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SENATE BILL 5959

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State of Washington

58th Legislature

2003 Regular Session

By Senators Esser, Poulsen, Schmidt, Eide, Stevens, T. Sheldon, Reardon and Finkbeiner

Read first time 02/25/2003. Referred to Committee on Technology & Communications.

1 AN ACT Relating to allowing approaches to partially controlled  
2 limited access highways for the deployment of personal wireless  
3 facilities; amending RCW 47.52.001; and adding a new section to chapter  
4 47.52 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 47.52.001 and 1961 c 13 s 47.52.001 are each amended  
7 to read as follows:

8 (1) Unrestricted access to and from public highways has resulted in  
9 congestion and peril for the traveler. It has caused undue slowing of  
10 all traffic in many areas. The investment of the public in highway  
11 facilities has been impaired and highway facilities costing vast sums  
12 of money will have to be relocated and reconstructed.

13 (2) Personal wireless service is a critical part of the state's  
14 infrastructure. The rapid deployment of personal wireless facilities  
15 is critical to ensure public safety, network access, quality of  
16 service, and rural economic development.

17 (3) It is, therefore, the declared policy of this state to limit  
18 access to the highway facilities of this state in the interest of  
19 highway safety and for the preservation of the investment of the public

1 in such facilities; however, approaches to partially controlled limited  
2 access highways shall be permitted for the deployment of personal  
3 wireless facilities.

4 NEW SECTION. Sec. 2. A new section is added to chapter 47.52 RCW  
5 to read as follows:

6 (1) The department shall authorize an off and on approach to  
7 partially controlled limited access highways for the placement and  
8 service of facilities providing personal wireless services.

9 (a) The approach shall be in a legal manner not to exceed thirty  
10 feet in width.

11 (b) The approach may be specified at a point satisfactory to the  
12 department at or between designated highway stations.

13 (2) The department shall authorize the approach by an annual  
14 permit, which may only be canceled upon one hundred eighty days'  
15 written notice to the permit holder.

16 (a) The permit shall cost no more than five hundred dollars a year.

17 (b) The permit shall be assignable to the contractors and  
18 subcontractors of the permit holder. The permit shall also be  
19 transferable to a new owner following the sale or merger of the permit  
20 holder.

21 (3) For the purposes of this section:

22 (a) "Personal wireless services" means any federally licensed  
23 personal wireless service.

24 (b) "Facilities" means unstaffed facilities that are used for the  
25 transmission or reception, or both, of wireless communication services  
26 including, but not necessarily limited to, antenna arrays, transmission  
27 cables, equipment shelters, and support structures.

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